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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,487	06/28/2001	Klaus Homann	HOM 100	4100

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CHICAGO, IL 60606

EXAMINER

VO, HIEN XUAN

ART UNIT PAPER NUMBER

2863

DATE MAILED: 02/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/869,487

Applicant(s)

HOMANN ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

1. Claims 11-20 are presented for examinations.

### ***Claim Objections***

2. Claim 19 is objected to because of the following informalities: the claim is depended on a cancel claim. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 11-20 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The claims are incomplete since they fail to positively recite how to determine a physical relationship between the gas lines, an electronic navigation system and a computer unit.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11, 13-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloomfield et al. (U.S. Patent No.5,446,445).

With respect to claim 1, Bloomfield et al. disclose a mobile detection system including a mobile measuring device for monitoring a fire, gas leak (see e.g. abstract), an electronic navigation system (see e.g. col. 2, lines 18-23), a computer unit with a geographic information and documentation system (see e.g. col. 2, lines 10-14).

With respect to claim 13, Bloomfield et al. disclose the invention as claimed including an electronic documentation of results measured by a gas testing device (see e.g. col. 2, lines 33-44).

With respect to claims 14-16, Bloomfield et al. disclose the invention as claimed including an acoustic and/or optical guidance of an operator (see e.g. col. 5, lines 8-25), a supporting wheel (see e.g. Fig. 1) and the supporting/measuring wheel, a record of the path covered is recorded by the computer unit (see e.g. col. 5, lines 26-52) .

Claim 20 is a method claim corresponding to apparatus claim 1. Therefore, claim 20 is rejected for the same rationales set forth for claim 1.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield et al. (U.S. Patent No. 5,446,445) and further in view of Henningsen et al. (U.S. Patent No. 5,946,095).

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With respect to claims 12 and 17-19, Bloomfield et al. disclose the invention as claimed including supporting/measuring wheel, sensors, gyroscope (see e.g. Figs. 1-2b) except for teaching a satellite position measuring system. Henningsen et al. disclose a natural gas detection including a satellite position measuring system (see e.g. Fig. 3, item 315 and col. 5, line 56). Therefore, it would have been obvious to modify the navigation means in the system of Bloomfield et al. by including a GPS as taught by Henningsen et al. because much of the underground natural gas net work is located beneath streets and a gas detection device must be able to detect gas leaks under varied and extreme environmental condition. Therefore, a GPS should be used with alternative detection device to retrace the path of gas lines more quickly and accuracy.

Applicant's arguments filed on 11/07/2002 with respect to claims 1-10 which have been canceled and the new claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

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**Conclusion**

8. Claims 11-20 are rejected.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703)308-3126.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-7382 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Plaza 4, Arlington. VA.,  
Fourth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-4900.

**HIEN VO**  
February 10, 2003

  
John Barlow  
Supervisory Patent Examiner  
Technology Center 2800